

12-19
RECEIVED
DEC 20 2011
DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA) SUBCASE NO: 63-33605
) (Insert Water Right Number)
)
Case No. 39576) STANDARD FORM 4
)
) MOTION TO FILE:
) ☒ LATE NOTICE OF CLAIM
) ☐ AMENDED NOTICE OF CLAIM
_____)

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996).

My name is: Gary A. Madenford, Trustee
The Charles Madenford Family Trust
My address is: 3605 N. Pollard Ln.
Star, Idaho 83669
My phone number is: Work: (208) 373-3828
Home: (208) 830-9911

I am an attorney representing: _____

My name is: _____
My address is: _____
My phone number is: Phone: _____
FAX: _____

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge

☒ I did not file a Notice of claim to use of water in the SRBA because:
I have a well that was drilled on this property for domestic and stockwater purposes and has been continuously used since that time, except for two years, from September, 2009 to September, 2011. It is my understanding that de minimis domestic & stockwater rights are of a deferrable class of claims within the SRBA proceeding. I wish to receive a decree for this beneficial use in the SRBA. I offer this motion for your consideration and ask Your Honor to grant the motion.

☒ I am providing legal and factual documentation to support my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to full this out if you are reinstating a Notice of Claim for domestic of stock watering use, but you must attach a copy of your Notice of Claim).

Notice of Claim, Deed, Quit Claim Deed, and Maps.

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☒ A claim filing fee for a domestic and stock water use. IDWR may charge this fee pursuant to I.C. 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 25.00.

☐ A claim filing fee and a late claim fee for those claims other than a domestic and stock water use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:
This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse..253 Third Avenue North, Twin Falls, Idaho.

VERIFICATION (Must be completed)

State of Idaho

County of Ada

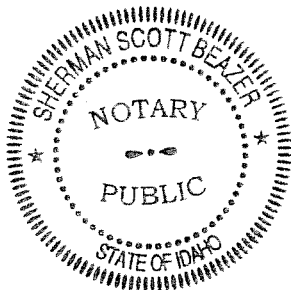
Garv A. Madenford, Trustee, being first duly sworn, upon oath, deposes and says:
(insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Garv A. Madenford
Signature of person filing motion

Attorney signing in representative capacity

Subscribed and sworn to before me on December 15th, 2011
(Insert Date)



[Signature]

Notary Public for Idaho

Residing at: Ada County

My Commission expires: 12/10/2015

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on December 16, 2011, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

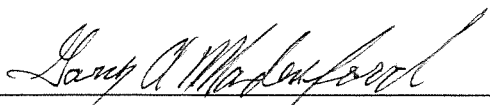
2. Copies to:

IDWR Document Depository
P. O. Box 83720
Boise, Idaho 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States, Department of Justice
Environment and Natural Resources Division
General Litigation Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or Special Master, you must serve a copy on all parties to that subcase.



Signature of person or attorney mailing the form

RECEIVED

DEC 20 2011

DEPARTMENT OF
WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-33605

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) The Charles Madenford Family Trust Phone (208) 830-9911

Mailing Address 3605 N. Pollard Ln. Star ID ZIP 83669
Street or Box City State

2. Date of Priority (Only one (1) per claim) October 31, 1982
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____

4. a. Location of Point of Diversion is: Township 5N, Range 1W, Section 33,
NW, 1/4 of SW, 1/4 Govt. Lot _____, BM., County of Ada

Parcel (PIN) no. R5455720020

Additional points of diversion if any: _____

If available, GPS Coordinates _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Well, pump, and pipelines.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Domestic purposes from 01 - 01 to 12 - 31 amount 0.02 or _____

For Stockwater purposes from 01 - 01 to 12 - 31 amount 0.02 or _____

For Irrigation purposes from 03 - 01 to 11 - 15 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) Domestic (1 household & up to 1/2 acre irrigation), Stockwater - up to 40 head.

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	1W	33									0.5								0.5

Parcel (PIN) no(s). R5455720020

Total number of acres irrigated 0.5

10. In which county (ies) are lands listed above as place of use located? Ada

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

_____ or None (✓)

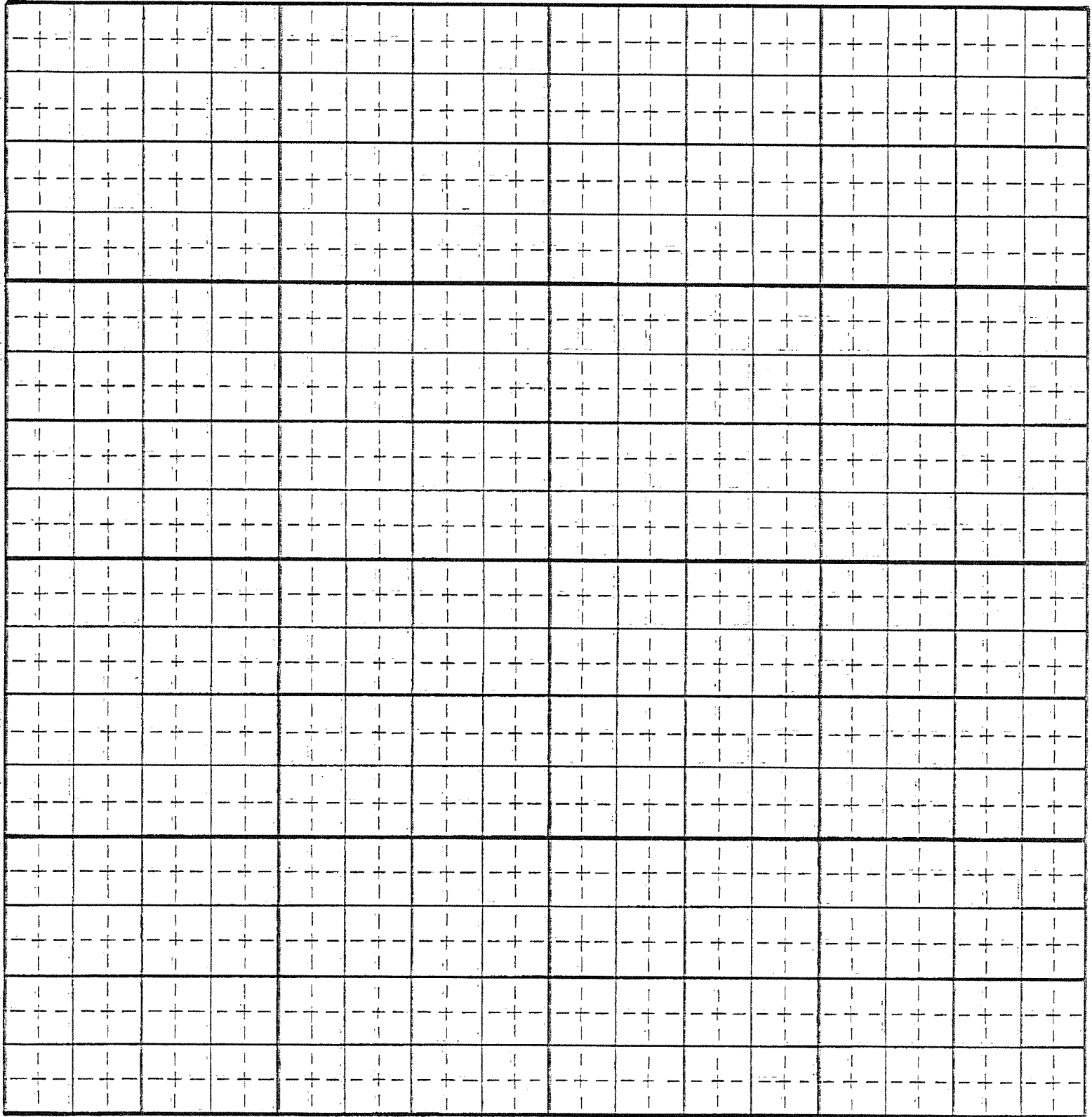
13. Remarks: This claim is for domestic and stockwater. The 10 acres of irrigation on the property is supplied through shares from the Farmers' Union Ditch Company, Ltd. (63-297).

Last Name Madenford Identification No. _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below.

Scale: 2 Inches equals 1 mile

See Attached Maps



Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Snake River Basin Adjudication." (b.) I/We do (☐) do not (☒) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 6

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

Trustee of The Charles Madenford Family Trust
Title Organization

that I have signed the foregoing document in the space below as

Trustee of The Charles Madenford Family Trust
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Gary A Madenford Date 12-15-11

Title and Organization Trustee, The Charles Madenford Family Trust

16. Notice of Appearance:

Notice is hereby given that I, _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____ Date _____

Address _____

Last Name Madenford Identification No. _____



27

34

33

28

33

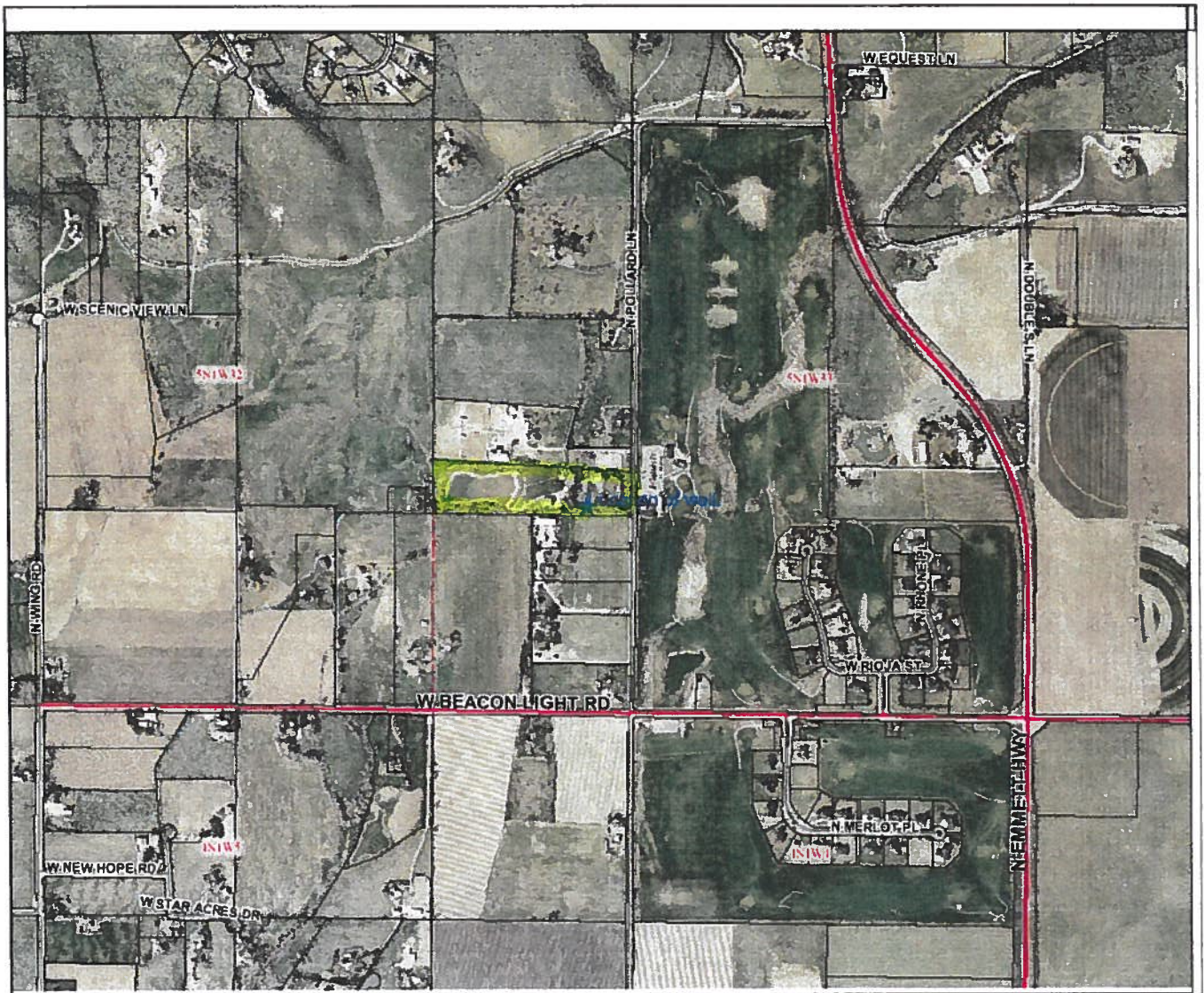
04

29

32

05

Untitled Map



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

Untitled Map



THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

Untitled Map

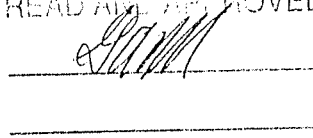


THIS MAP NOT INTENDED FOR NAVIGATIONAL USE

AFTER RECORDING MAIL TO:

Gary A Madenford
3605 North Pollard Lane
Star, ID 83669

DOCUMENTS HEREBY
READ AND APPROVED



SPECIAL CORPORATE WARRANTY DEED

FOR VALUE RECEIVED,

BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP, organized and existing under the laws of the United States of America a corporation duly organized and existing under the laws of the State of **Delaware**, grantor, does hereby Grant, Bargain, Sell and Convey unto

Gary A Madenford, a married man

whose address is: **3605 North Pollard Lane, Star, ID 83669**
grantee, the following described real estate, to-wit:

LEGAL DESCRIPTION: Real property in the County of Ada, State of Idaho, described as follows:

LOT 1 IN BLOCK 1 OF MANTECA SUBDIVISION, ACCORDING TO THE PLAT THEREOF, FILED IN BOOK 60 OF PLATS AT PAGES 5854 AND 5855, RECORDS OF ADA COUNTY, IDAHO.

APN: **R5455720020**

SUBJECT TO current years taxes, irrigation district assessment, public utility easements, subdivision restrictions and U.S. patent reservations.

TO HAVE AND TO HOLD The said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in a fee simple of said premises; that they are free from all encumbrances and that it will warrant and defend the same from all lawful claims whatsoever, except as to the reservations from and exceptions to warranty when the claim is by, through or under Grantor, but not otherwise.

Book 66 Pages 5854-5855

BASE OF BEARINGS - R.O.S. 1522
S 89° 23' 45" E 1316.66
S 89° 23' 45" E 1107.86

CENTER WEST 1/4 CORNER
C.P.M. # 7660372

PLAT OF
MANTECA SUBDIVISION
A PORTION OF THE NW 1/4 SW 1/4, SECTION 33,
T.5N., R.1W., B.M.
ADA COUNTY, IDAHO
1992

GRAPHIC SCALE



This map shall not be used as a survey of the land shown on the map. It is a plat of a subdivision of land and is not a survey. It is not to be used as a basis for any claim of title or interest in land. The plat is subject to the provisions of the Idaho Subdivision Map Act, Chapter 5, Title 55, Idaho Code. The plat is subject to the provisions of the Idaho Subdivision Map Act, Chapter 5, Title 55, Idaho Code. The plat is subject to the provisions of the Idaho Subdivision Map Act, Chapter 5, Title 55, Idaho Code.

NOTES

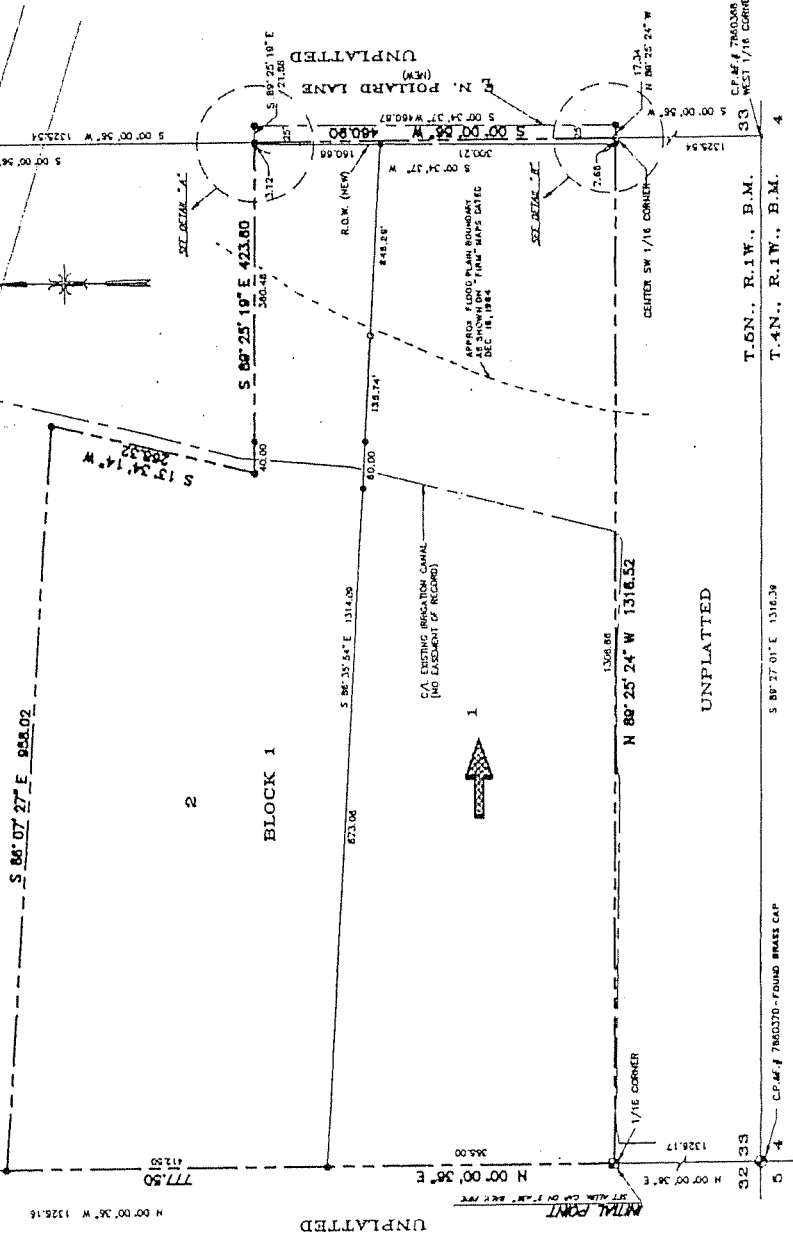
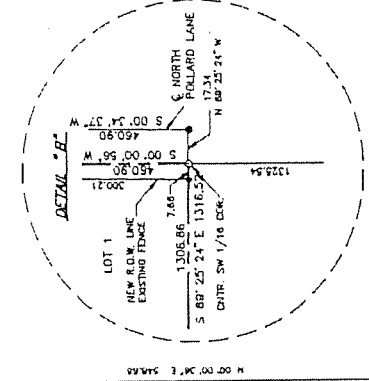
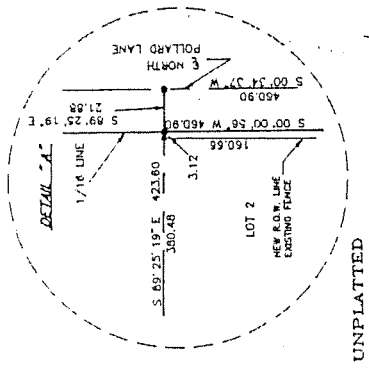
1. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THE SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.
2. ANY REVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF REVISION.
3. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT PUBLIC RIGHT-OF-WAY (P.R.O.W.) EASEMENT OVER THE TEN (10) FEET ALIQUOT TO ANY STREET THAT IS DEDICATED TO THE USE OF THE PUBLIC. THE EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF WAD SURFACED DRIVEWAYS TO EACH LOT.
4. SUBDIVIDER WILL COMPLY WITH THE DISCLOSURE REQUIREMENTS OF IDAHO'S SUBDIVISION MAP ACT, CHAPTER 5, TITLE 55, IDAHO CODE, AND SHALL PROVIDE A DISCLOSURE STATEMENT TO EACH LOT ALLOCATED TO LOT 1 AND 2 FROM THE FARMERS IRIGATION DISTRICT.
5. A TEN (10) FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY LINES.
6. ALL INTERIOR LOT LINES HAVE A TEN (10) FOOT PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT LYING FIVE (5) FEET ON EITHER SIDE OF EACH LOT LINE.
7. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN EXISTING EASEMENT AND IS SHOWN ON PLAT NO. 150 OF THE 1984 DATED RECORD IN 1984.

LEGEND

- BOUNDARY LINE
- ALUMINUM MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN W/CAP
- FOUND 1/2" IRON PIN
- SET 1/2" X 24" IRON PIN W/CAP

TEALEY'S LAND SURVEYING
279 MAIN ST. → BOX 800
SPOKANE, IDAHO 83402-0800
PROJECT NO. 868 SHEET 1 of 2

DOCUMENTS HEREBY
READ AND APPROVED



C.P.M. # 7660370 - FOUND BRASS CAP

T.5N., R.1W., B.M.
T.4N., R.1W., B.M.



111096770

Quit Claim Deed

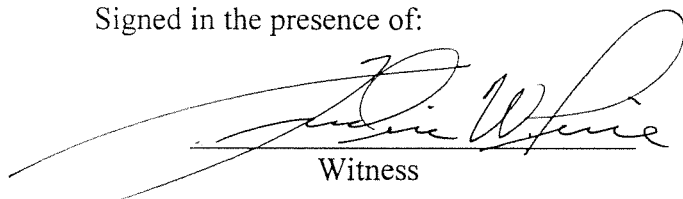
Gary A. Madenford, Grantor of 3605 N. Pollard Ln, Star, Idaho 83669, County of Ada, State of Idaho, hereby QUIT-CLAIM to The Charles Madenford Family Trust, Gary A. Madenford, Trustee, Grantee for the sum of TEN DOLLARS (\$10.00) the following described tract of land in Ada County, State of Idaho, subject to the encumbrances owed thereon, to-wit:

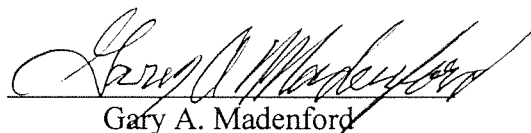
See Attached Legal Description and Plat.

THE SURVIVING TRUSTEE AND SUCCESSOR TRUSTEES HAVE FULL RIGHTS TO SELL OR ENCUMBER THE PROPERTY HEREIN SET FORTH.

Witness the hand of said grantor, this 28 day of November, 2011.

Signed in the presence of:

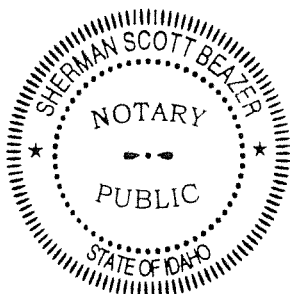

Witness

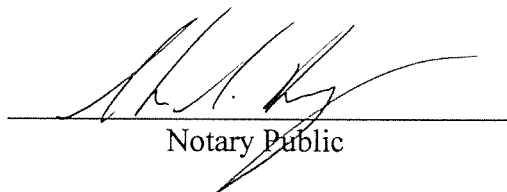

Gary A. Madenford

STATE OF Idaho

COUNTY OF Ada

On the 28th day of November, 2011, personally appeared before me Sherman Scott Beazer, the signer(s) of the within instrument, who duly acknowledged to me that they executed the same.




Notary Public

Ada County, Idaho
Residing At

12/10/2015
My Commission Expires

Legal Description

Property Address:

3605 N. Pollard Ln.
Star, Idaho 83669

Location:

Lot 1 in Block 1 of Manteca Subdivision, according to the plat thereof, filed in book 60 of plats at pages 5854 and 5855, records of Ada County, Idaho.

Ada County Parcel Number: R5455720020

10.010 Acres located in NW 1/4, SW 1/4, Section 33, T5N, R1W, Boise Meridian.

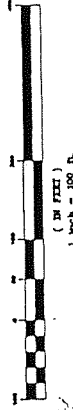
Book 66 Pages 5854-5855

CLASS OF BEARINGS - R.O.S. 1522

CENTER WEST 1/4 CORNER
C.P.M. / 7600373

PLAT OF
MANTECA SUBDIVISION
A PORTION OF THE NW 1/4 SW 1/4, SECTION 33,
T.5N., R.1W., B.M.
ADA COUNTY, IDAHO
1992

GRAPHIC SCALE



This plat was prepared by me or under my supervision and I am a duly licensed surveyor in the State of Idaho. I am not aware of any fraud or illegality in the execution of this plat. I am not aware of any fraud or illegality in the execution of this plat.

NOTES

1. BEARING SETBACKS AND PROVISIONAL STANDARDS IN THE SUBDIVISION ARE IN ACCORDANCE WITH THE APPLICABLE ZONING REGULATIONS OF ADA COUNTY.
2. ANY REVISIONS OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF REVISION.
3. ALL LOTS ARE HEREBY ASSOCIATED AS MAKING A PERMANENT PUBLIC UTILITY RIGHT-OF-WAY AND IRRIGATION EASEMENT OVER THE TEN (10) FEET ADJACENT TO ANY STREET THAT IS DEDICATED TO THE USE OF THE PUBLIC. THE EASEMENT SHALL BE DEDICATED TO THE USE OF THE PUBLIC. THE EASEMENT SHALL BE DEDICATED TO THE USE OF THE PUBLIC.
4. SUBDIVISION WILL COMPLY WITH THE PROVISIONAL STANDARDS OF THE ADA COUNTY ZONING REGULATIONS. THE SUBDIVISION WILL COMPLY WITH THE PROVISIONAL STANDARDS OF THE ADA COUNTY ZONING REGULATIONS.
5. A TEN (10) FOOT UTILITY EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY LINE.
6. ALL INTERIOR LOT LINES HAVE A TEN (10) FOOT PUBLIC UTILITY EASEMENT. THE EASEMENT IS LOCATED ALONG THE EXTERIOR BOUNDARY LINE.
7. A PORTION OF THIS PROPERTY ALONG NORTH POLLARD LANE MAY BE IN THE PUBLIC UTILITY EASEMENT SHOWN ON PLAT NO. 124 OF THE J.L.M. DATED DECEMBER 14, 1984.

LEGEND

- BOUNDARY LINE
- ALUMINUM MONUMENT
- FOUND 5/8" IRON PIN
- SET 5/8" X 30" IRON PIN W/CAP
- FOUND 1/2" IRON PIN
- SET 1/2" X 24" IRON PIN W/CAP

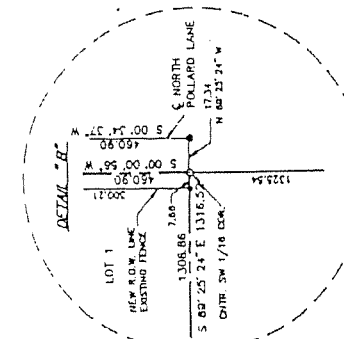
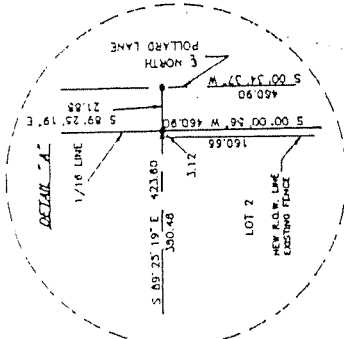
DOCUMENTS HEREBY
READ AND APPROVED

UNPLATTED

BLOCK 1

UNPLATTED

UNPLATTED



S 80° 07' 27" E 958.02'

CA EXISTING IRRIGATION CANAL
(NO EASEMENT OF RECORD)



UNPLATTED

T.5N., R.1W., B.M.
T.4N., R.1W., B.M.

S 80° 27' 01" E 1316.34'

C.P.M. / 7600373 - FOUND BRASS CAP

32 33

32 33



G. A. MADENFORD
1679 W. KENAI CT
EAGLE, ID 83616
PH. 208-938-4118

92-155/1241

4782

Date 12-16-11

Pay to the order of Idaho Dept. of Water Resources \$ 25.00

Twenty five 100 100 Dollars

Contains Security Features. Details on Back.

KEYBANK NATIONAL ASSOCIATION
1-800-KEY2YOU

for _____

G. A. Madenford MP

112410155501247203920670 4782